



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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SEARCHED _____ SERIALIZED _____ FILED NAME OF APPLICANT _____ ATTORNEY DOCKET NO. _____

EXAMINER _____

CLERK'S PART UNIT _____ PAPER NUMBER _____

15

DATE MAILED.

NOTIFICATION OF DEFECTIVE NOTICE OF APPEAL OR DEFECTIVE BRIEF

1. The Notice of Appeal filed _____ is:

A. Not acceptable for reason(s) that:

- (1) The Appeal fee required by 35 U.S.C. 41 (a)(6) and 37 CFR 1.17(e) was not submitted with the Notice of Appeal.
- (2) The submitted fee of \$ _____ is insufficient. The appeal fee per 37 CFR 1.17(e) is \$ _____.
- (3) The Appeal was not timely filed.
- (4) The Appeal fee received on _____ was not timely filed.
- (5) The Appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application.
- (6) A letter of allowability was mailed by the Office on _____.

B. Defective and should be corrected as indicated. Applicant is given a TIME LIMIT of ONE MONTH from the date of this letter OR the TIME REMAINING IN THE RESPONSE PERIOD OF THE LAST OFFICE ACTION, whichever is longer, to complete the appeal. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 CFR 1.136(a) or (b) BUT THE PERIOD FOR RESPONSE SET IN THE LAST ACTION MAY POSSIBLY BE EXTENDED. If the appeal is not timely completed, the application will be abandoned as of the date of expiration of the period for response of the last Office action.

- (1) Unsigned. A ratification, properly signed, is required.
- (2) Identification of the appealed claim or claims is required under 37 CFR 1.191 (b).

2. The Brief filed _____ is NOT acceptable for the reason(s) indicated below.

The Appeal in this application will be dismissed unless the applicant makes the Brief acceptable. Extensions of time may be obtained under 37 CFR 1.136(a).

- A. The Brief and/or Brief fee is untimely. See 37 CFR 1.192.
- B. The requisite fee which must accompany the Brief has been omitted. See 37 CFR 1.17(f).
- C. The submitted Brief fee of _____ is not the proper amount. The Brief fee per 37 CFR 1.17(f) is _____.

3. The Appeal in this application is DISMISSED because

- A. The fee for filing the Brief as required under 37 CFR 1.17(f) was not submitted or timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.
- B. The Brief was not filed, or was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired.

4. As the result of the dismissal in "3" above, this application:

- A. is abandoned since there are no allowed claims.
- B. is being returned to the examiner for disposition since it contains allowed claims. Prosecution on the merits is CLOSED.

Kathleen K. Fonda
KATHLEEN K. FONDA
PRIMARY EXAMINER

4-83/377798